

Assembly Bill No. 2656

CHAPTER 697

An act to amend Sections 48412 and 51421.5 of the Education Code, relating to pupils.

[Approved by Governor September 27, 2016. Filed with
Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2656, O'Donnell. Pupils: diploma alternatives: fee waiver: foster youth.

Existing law authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the State Department of Education. Existing law requires the State Board of Education to award a certificate of proficiency to persons who demonstrate that proficiency. Existing law requires the department to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the department to verify competency. Existing law authorizes the department to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application. Existing law prohibits the department from charging the fee to an examinee who qualifies as a homeless child or youth and meets other specified criteria.

This bill would additionally prohibit the department from charging the fee to a foster youth, as defined, who is under 25 years of age.

Existing law separately requires the Superintendent of Public Instruction to issue a high school equivalency certificate and an official score report, or an official score report only, to a person who has not completed high school and who meets specified requirements, including, among others, having taken all or a portion of a general education development test that has been approved by the state board and administered by a testing center approved by the department, with a score determined by the state board to be equal to the standard of performance expected from high school graduates. Existing law authorizes the Superintendent to charge an examinee a one-time fee to pay costs related to administering these provisions and issuing a certificate, as specified. Existing law limits the amount of the fee to \$20 per person and requires each scoring contractor to forward that fee to the Superintendent. Existing law prohibits a scoring contractor or testing center that charges its own separate fee from charging that separate fee to an

examinee who qualifies as a homeless child or youth, is under 25 years of age, and can verify his or her status as a homeless child or youth.

This bill would additionally prohibit the scoring contractor or testing center from charging the fee to a foster youth, as defined, who is under 25 years of age.

Existing law requires the Superintendent, on or before December 1, 2018, to submit 2 reports to the appropriate policy and fiscal committees of the Legislature, one relating to high school proficiency tests, and one relating to high school equivalency tests, that each include, among other things, the number of homeless youth that took a high school proficiency or equivalency test in each of the 2016, 2017, and 2018 calendar years, and the impact of the opportunity to take a high school proficiency or equivalency test at no cost on the number and percentage of homeless youth taking a high school proficiency or equivalency test.

This bill would require the Superintendent to also incorporate data on high school proficiency or equivalency test examinees who are foster youth, as defined, into each report.

The people of the State of California do enact as follows:

SECTION 1. Section 48412 of the Education Code is amended to read:

48412. (a) (1) A person 16 years of age or older, or who has been enrolled in the 10th grade for one academic year or longer, or who will complete one academic year of enrollment in the 10th grade at the end of the semester during which the next regular examination will be conducted, may have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the department.

(2) The state board shall award a “certificate of proficiency” to persons who demonstrate that proficiency. The certificate of proficiency shall be equivalent to a high school diploma, and the department shall keep a permanent record of the issuance of all certificates.

(b) (1) The department shall develop standards of competency in basic skills taught in public high schools and shall provide for the administration of examinations prepared by or with the approval of the department to verify competency. Regular examinations shall be held once in the fall semester and once in the spring semester of every academic year on a date, as determined by the department, that will enable notification of examinees and the schools they attend, if any, of the results thereof not later than two weeks before the date on which that semester ends in a majority of school districts that maintain high schools.

(2) In addition to regular examinations, the department may, at the discretion of the Superintendent, conduct examinations for all eligible persons once during each summer recess and may conduct examinations at any other time that the Superintendent deems necessary to accommodate eligible persons whose religious convictions or physical handicaps prevent their attending one of the regular examinations.

(c) (1) The department may charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of this section. However, the fee shall not exceed an amount equal to the cost of test renewal and administration per examination application. All fees levied and collected pursuant to this section shall be deposited in the State Treasury for remittance to the current support appropriation of the department as reimbursement for costs of administering this section. Any reimbursements collected in excess of actual costs of administration of this section shall be transferred to the unappropriated surplus of the General Fund by order of the Director of Finance.

(2) The department shall not charge the fee to an examinee who meets all of the following criteria:

(A) The examinee qualifies as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), or as a foster youth, as defined in subdivision (h).

(B) The examinee has not attained 25 years of age as of the date of the scheduled examination.

(C) For an examinee who qualifies as a homeless child or youth pursuant to subparagraph (A), the examinee can verify his or her status as a homeless child or youth. A homeless services provider that has knowledge of the examinee's housing status may verify the examinee's status for purposes of this subparagraph.

(3) For purposes of this subdivision, a "homeless services provider" includes either of the following:

(A) A homeless services provider listed in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code.

(B) Any other person or entity that is qualified to verify an individual's housing status, as determined by the department.

(4) The loss of fees pursuant to paragraph (2), if any, shall be deemed to be a cost of administering this section for purposes of paragraph (1).

(d) (1) The state board shall adopt rules and regulations as necessary for implementation of this section.

(2) Notwithstanding paragraph (1), the state board shall adopt emergency regulations, as necessary, to implement the provisions of subdivision (c), as amended by the act that added this paragraph. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

(e) The department shall periodically review the effectiveness of the examinations administered pursuant to this section. The costs of this review may be recovered through the fees levied pursuant to subdivision (c).

(f) (1) On or before December 1, 2018, the Superintendent shall submit a report to the appropriate policy and fiscal committees of the Legislature that includes, but is not limited to, all of the following:

(A) The number of homeless youth and foster youth that took a high school proficiency test in each of the 2016, 2017, and 2018 calendar years.

(B) The impact of the opportunity to take a high school proficiency test at no cost on the number and percentage of homeless youth and foster youth taking a high school proficiency test.

(C) The estimated number of homeless youth and foster youth who may take a high school proficiency test in future years.

(D) Recommendations for a permanent funding source to cover the cost of the waived fees.

(E) The annual and projected administrative cost to the department.

(F) The annual and projected reimbursement to contractors pursuant to this section.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2020, pursuant to Section 10231.5 of the Government Code.

(g) Additional state funds shall not be appropriated for purposes of implementing paragraph (2) of subdivision (c).

(h) For purposes of this section, a “foster youth” means any individual who meets or has ever met one of the following criteria:

(1) A child who was the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code and removed from his or her home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.

(2) A child who was the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code and removed from his or her home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code.

SEC. 2. Section 51421.5 of the Education Code, as added by Section 3 of Chapter 384 of the Statutes of 2015, is amended to read:

51421.5. (a) If, for purposes of this article, a contractor or testing center charges an examinee its own separate fee, the contractor or testing center shall not charge that fee to an examinee who meets all of the following criteria:

(1) The examinee qualifies as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), or as a foster youth, as defined in subdivision (h).

(2) The examinee has not attained 25 years of age as of the date of the scheduled examination.

(3) For an examinee who qualifies as a homeless child or youth pursuant to paragraph (1), the examinee can verify his or her status as a homeless child or youth. A homeless services provider that has knowledge of the examinee’s housing status may verify the examinee’s status for purposes of this paragraph.

(b) For purposes of this section, a “homeless services provider” includes either of the following:

(1) A homeless services provider listed in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code.

(2) Any other person or entity that is qualified to verify an individual's housing status, as determined by the department.

(c) Additional state funds shall not be appropriated for purposes of implementing this section.

(d) Notwithstanding subdivision (c), the Superintendent may use surplus funds in the Special Deposit Fund Account, established pursuant to Section 51427, to reimburse contractors for the loss of fees, if any, pursuant to this section. A contract executed by the department for the provision of examinations pursuant to Section 51421 or this section shall require that any contracting party accept all examinees, including those entitled to a fee waiver pursuant to this section. For purposes of this subdivision, "surplus funds" are funds remaining after the costs permitted by subdivision (a) of Section 51421 are paid.

(e) On or before December 1, 2018, the Superintendent shall submit a report to the appropriate policy and fiscal committees of the Legislature that includes, but is not limited to, all of the following:

(1) The number of homeless youth and foster youth that took a high school equivalency test in each of the 2016, 2017, and 2018 calendar years.

(2) The impact of the opportunity to take a high school equivalency test at no cost on the number and percentage of homeless youth and foster youth taking a high school equivalency test.

(3) The estimated number of homeless youth and foster youth who may take a high school equivalency test in future years.

(4) Recommendations for a permanent funding source to cover the cost of the waived fees.

(5) The annual and projected administrative cost to the department.

(6) The annual and projected reimbursement to the contractor pursuant to this section.

(f) The Superintendent shall adopt emergency regulations, as necessary, to implement this section. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

(g) The department shall include a provision in all memorandums of understanding with contractors for purposes of providing a high school equivalency test, that if the surplus funds in the Special Deposit Fund Account are depleted, the ongoing costs of a fee waiver for an examinee deemed eligible for a waiver pursuant to this section shall be absorbed by the contractor.

(h) For purposes of this section, a "foster youth" means any individual who meets or has ever met one of the following criteria:

(1) A child who was the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code and removed from his or her home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.

(2) A child who was the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code and removed from his or her home

by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code.

(i) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 51421.5 of the Education Code, as added by Section 4 of Chapter 384 of the Statutes of 2015, is amended to read:

51421.5. (a) If, for purposes of this article, a contractor or testing center charges an examinee its own separate fee, the contractor or testing center shall not charge that fee to an examinee who meets all of the following criteria:

(1) The examinee qualifies as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), or as a foster youth, as defined in subdivision (f).

(2) The examinee has not attained 25 years of age as of the date of the scheduled examination.

(3) For an examinee who qualifies as a homeless child or youth pursuant to paragraph (1), the examinee can verify his or her status as a homeless child or youth. A homeless services provider that has knowledge of the examinee's housing status may verify the examinee's status for purposes of this paragraph.

(b) For purposes of this section, a "homeless services provider" includes either of the following:

(1) A homeless services provider listed in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code.

(2) Any other person or entity that is qualified to verify an individual's housing status, as determined by the department.

(c) Additional state funds shall not be appropriated for purposes of implementing this section.

(d) The Superintendent shall adopt emergency regulations, as necessary, to implement this section. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

(e) The department shall include a provision in all memorandums of understanding with contractors for purposes of providing a high school equivalency test, that if the surplus funds in the Special Deposit Fund Account are depleted, the ongoing costs of a fee waiver for an examinee deemed eligible for a waiver pursuant to this section shall be absorbed by the contractor.

(f) For purposes of this section, a "foster youth" means any individual who meets or has ever met one of the following criteria:

(1) A child who was the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code and removed from his or her home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.

(2) A child who was the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code and removed from his or her home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code.

(g) This section shall become operative on July 1, 2019.

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